

CASCADE COUNTY PLANNING BOARD

January 30, 2018

9:00 am

Court House Annex
325 2nd Ave North

RECEIVED
APR 18 2018
[Signature]

Board Members: Mark Carlson, Richard Liebert, Elliott Merja, Rob Skawinski, Ken Thornton, Dan Johnstone, Dexter Busby

Notice: These minutes are paraphrased to reflect the proceedings of the Cascade County Planning Board, and are considered a draft until formally approved by the Planning Board.

Staff Present: Alex Dachs, Fernando Terrones, Tammy Humble

Attendees: Clark Carlson-Thompson, John Taillie, John Paul, Robert Nichol森, Jim Ekberg

1. Call to order: Chairman Elliott Merja called the meeting to order at 9:00 am

2. Roll call:

Board Members Present: Richard Liebert, Elliott Merja, Rob Skawinski, Ken Thornton, Dan Johnstone, Dexter Busby

Board Members Absent: Mark Carlson

3. Election of Officers:

Richard Liebert nominates Elliott Merja as Chairman.

Rob Skawinski seconded the motion.

All in Favor, Motion passes 6-0

Ken Thornton nominates Mark Carlson for Vice-Chairman.

Richard Liebert seconded the motion.

All in Favor, Motion passes 6-0

4. Approval of Minutes: November 21, 2017

Ken Thornton motioned to approve the minute as submitted.

Dan Johnstone seconded the motion.

All in Favor, Motion passes 6-0

5. New Business:

A. Rezone - John Paul

Alex Dachs presented the staff report. Summation is as follows: The Cascade County Planning Board is in receipt of an application from John Paul, Pre-Engineered Fire Systems to approve a Rezone of 13.25 acres of property from Light Industrial (I-1) to Heavy Industrial (I-2). This property is located at S33, T21 N, R4E, P.M.M., Cascade County, MT and has a physical address of 4725 22nd Ave N.

The applicant desires the rezoning to meet industry standards and facilitate the bid and contracting processes. The existing land is currently being used as a facility for the design, building, and sale of prepackaged fire protection equipment solutions.



John Paul and Pre-Engineered Fire Systems are petitioning as owner and applicant to rezone 13.25 acres of property from Light Industrial (I-1) to Heavy Industrial (I-2). The requested Heavy Industrial Zoning District permits all non-residential uses not otherwise prohibited by law, and limited accessory uses, such as a single-family dwelling incidental to the industrial enterprises, agricultural uses of land, and Agricultural buildings. The intent of the rezoning is to allow Pre-Engineered Fire Systems to continue to meet industry standards, and continue to bid competitively on their existing business operation. Some companies and government contracts require bidders to be in a Heavy Industrial district to be eligible for contracts. Law enforcement activities are provided by the Cascade County Sheriff's Department and fire protection support is provided by the Black Eagle Volunteer Fire Department.

Notice of Public Hearing was mailed to surrounding property owners on January 18, 2018. Legal Ads of the Planning Board's Public Hearing were published in the Great Falls Tribune on January 7 & January 14, 2018.

ZONING ANALYSIS

Section 76-2-203 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with all zoning or rezoning proposals; the criteria are:

Criteria #1, the rezone application is made in accordance with the five listed goals in the growth policy;

The 2014 Cascade County Growth Policy (CCGP) contains five (5) goals which the policy defines as a direction of the Growth Policy. Each Goal also includes a subset of Objectives which the Growth Policy defines as a more narrowly defined and concrete expression of community intent. The five (5) goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products. *Applicant: By insuring we are in compliance with the zoning laws, we will be able to retain our current tenant, whom during peak production times employs 6 full time employees and subcontracts with 5 different small businesses around town. In 2016 Pre-Engineered Fire Systems (our tenant) dispersed more than half a million dollars to these subcontractors.* Pre-Engineered Fire Systems is a design and manufacturing company for fire suppression systems. The rezone is intended to allow this company to expand their operations by making them more competitive in seeking bids and contracts. This company also subcontracts with local businesses, and John Paul has stated his intention to build commercial/industrial condos on his

property in the future, which will provide more opportunities for growth.

Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

Applicant: Subcontracting with these companies helps ensure they stay in business, thus stabilizing the County's tax base. **Staff:** Pre-Engineered Fire Systems recycles as much of their waste as possible at Steel Etc., a local business in their vicinity.

Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services. *Applicant: Our current tenant, Pre- Engineered Fire Systems, has demonstrated that it compliments existing businesses by partnering with them on several and tapping Cascade County's greatest resource, quality workforce.* **Staff:** The applicant supports many existing businesses as they have a variety of needs to support their industry and day to day operations of creating fire suppression equipment in Cascade County.

Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

Applicant: The property overlooks Giant Springs Park, Lewis and Clark Interpretive Center, and the remains of the original smoke stack and promotes these assets when Clients' Executives are in town.

Staff: The applicant is in close proximity to an expansive local park system and promotes it to their visitors. The applicant has expressed their desire to keep their property aesthetically pleasing and in harmony with the surrounding area.

Foster and stimulate well-planned entrepreneurship among the county's citizenry. *Applicant: As previously stated, the current tenant, Pre- Engineered Fire Systems, stimulates and fosters entrepreneurship including but not limited to Gerber's of Montana, ADF Paint Shop, Sherwin Williams, Patterson Enterprises, Advanced Air, Klette Electric, American Welding & Gas, Steel Etc., High Ball Trucking, & H&H Crane Service.* **Staff:** Pre-Engineered Fire Systems works with many companies in the local area as well as across the state. They support local businesses and have expressed their desire to expand locally in the future.

Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

Applicant: Our tenant, Pre- Engineered Fire Systems, is always promoting local business, but could do more to promote Business development organizations. **Staff:** The applicant is a strong supporter and partner for local businesses but believes they could do more to support area business organizations. This re-zone could pave the way to further engagement with area organizations, especially if the goal of constructing business "condos" is realized.

Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses. *Applicant: Several different people travel in and out of Great*

Falls during a typical project of Pre- Engineered Fire Systems. During the project Client representatives come to Great Falls for Factory Acceptance Testing, Plan Review, and Third-Party Inspections. During these visits they stay at local hotels, eat at local restaurants, and visit various local establishments. **Staff:** The applicant brings in clients from across Montana and the United States. While here these clients engage with local businesses for food, lodging, and general shopping. Proximity to Giant Springs State Park also drives clients to local attractions, further bolstering community revenue.

Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources. **Applicant:** Our tenant, Pre- Engineered Fire Systems, has several Fire Pump Skid projects throughout Montana serving various Businesses. **Staff:** Fire Pump Skids are stations installed remotely to provide fire protection services to businesses and projects. The applicant has a number of these stations across the state, providing fire safety for business and industry.

Encourage the growth of the agricultural economy. **Applicant:** The current tenant, Pre- Engineered Fire Systems, does not really interface with Agricultural Economy, however it has been known to treat Clients to local craft brews, that may or may not use local barley. Many of these local restaurants they visit serve local beef. **Staff:** Being in an industrial area, the applicant has little interest in directly promoting agricultural development. However, their fire-suppression systems are used in the transportation industry, a crucial component of Montana's agricultural sector.

Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy. **Applicant:** Our tenant, Pre- Engineered Fire Systems, is currently developing a solar powered Fire Pump House for an off the grid site in Hawaii, which could open a new niche that would lead to technology from the area. **Staff:** The applicant believes that they have opportunities to develop alternative energy sources, both as a facet of their remote fire suppression systems and for on-site use.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests. **Applicant:** Maintain a healthy Missouri River Corridor by planting grasses with better nutritional value for the wild life. A shelterbelt incorporating the proper trees and bushes to promote healthy habitat for the wildlife and upland game birds. The applicant is sensitive to their location near the Missouri River and along a state park system. They intend to maintain a well-kept yard and desire to create and maintain greenspace to enhance the natural beauty of the area.

Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries. **Applicant:** Preserve the County's open space feel by using a

small portion of the land that is closest to other businesses to prevent industrial sprawl. **Staff:** Pre-Engineered Fire Systems has no intention of harming the scenic beauty of Cascade County and desires to keep their industrial uses in a central location with similar businesses.

Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development. *Applicant: As stewards of the property we can ensure only Businesses with healthy environmental standards and that will keep a well-organized yard will become tenants.* **Staff:** The applicant has expressed their interest in maintaining the beauty of the surrounding area and intends to be selective to ensure whoever leases their property maintains a clean environment.

Assure clean air, clean water, a healthful environment and good community appearance. *Applicant: No Response.* **Staff:** The applicant has repeatedly expressed their desire to remain in harmony with the surrounding area and actively recycles waste from their facility.

Support the development of natural resources including but not limited to timber, mining, oil, and gas production, and renewable energy production. *Applicant: No Response.* **Staff:** Pre-Engineered Fire Systems uses limited natural resources, and is not engaged in the development of natural resources. They have expressed interest in alternative energy.

Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes. *Applicant: No Response.* **Staff:** This property has not been identified as a site undergoing Superfund and Brownfields processes.

Goal 3: Maintain Agricultural Economy

Protect the most productive soil types. *Applicant: Our parcel is not used for agricultural purposes and is not located in the flood plain, therefore this goal is not applicable.* **Staff:** According to the USDA Web Soil Survey, the land is not on prime soil, classified as 3e or 4e, implying severe to very severe limitations on use, and a propensity to erosion. The applicant has expressed no desire to engage in agricultural operations.

Continue to protect soils against erosion. *Applicant: Our parcel is not used for agricultural purposes and is not located in the flood plain, therefore this goal is not applicable.* **Staff:** The applicant is in compliance with Storm water regulations, and has taken steps to mitigate runoff from uphill sites. Staff believes that the applicant is already reducing the erosion from their site and adjacent sites.

Protect the floodplain from non-agricultural development. *Applicant: Our parcel is not used for agricultural purposes and is not located in the flood plain, therefore this goal is not applicable.* **Staff:** This property is not in a floodplain.

Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area. *Applicant: Our parcel is not used for agricultural purposes and is not located*

in the flood plain, therefore this goal is not applicable. **Staff:** The applicant has expressed no desire to engage in agricultural activities on their land.

Goal 4: Retain the presence of the US Military in Cascade County

Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum. *Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.* **Staff:** The rezone should not impact the current mission status of Malmstrom Air Force Base.

Promote the location of additional military missions in Cascade County. *Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.* **Staff:** This rezone application should not have an impact on promoting the location of additional military missions in Cascade County.

Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations. *Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.* **Staff:** This parcel is in the MOD-D height overlay district for Malmstrom, which prohibits structures over 150 feet above the runway. The existing structures are within parameters.

Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development. *Applicant: Our parcel has no impact on the presence of the US Military in Cascade County, therefore Goal 4 is not applicable.* **Staff:** The closest missile launch facility is over 20 miles away.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Maintain Cascade County's citizen's independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population. *Applicant: Continue to be a good neighbor to Montana Fish & Game.* **Staff:** Staff feels that the existing operation meshes with the surrounding uses and would continue to do so. The applicant appears committed to minimizing their impact on the environment and being a good neighbor.

Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas. *Applicant: Protect our portion of the Missouri River Corridor by continuing to control noxious weeds and ensure that development does not infringe on the Rivers Edge Trail or Giant Springs State Park.* **Staff:** The applicant is committed to maintaining their property and acknowledges weed-control efforts. Noxious weeds in Cascade County are a detriment to our scenery and environment, and it is refreshing to see citizens committed to controlling their spread.

Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface. *Applicant: Promote fire prevention by keeping fuel loads cleaned out of the wild land/urban interface. Promoting a natural maintenance by providing an enriched wildlife habitat. Maintaining gradient landscaping to the building.* **Staff:** Not only does the applicant believe in keeping their property free of debris, but the current tenant, Pre-Engineered Fire Systems, is dedicated to fire control and supplies fire-fighting operations in the vicinity.

Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents. *Applicant: No response* **Staff:** The rezone should have virtually no impact on educational development or health services, and minimal impact on recreational opportunities.

Criteria #2, whether the zoning regulations have been designed to secure safety from fire and other dangers.

Applicant: The property is close to three different fire cisterns as well as a large storm retention pond and hydrants close by. The building is steel with noncombustible insulation. **Staff:** The proposed zone change is meant to better reflect the property owners intended use of the property and should have no impact on securing safety from fire or other dangers.

Criteria #3, whether the zoning regulations have been designed to promote public health, public safety, and general welfare.

Applicant: The property is well lighted with LED lighting and security cameras with notifications that overlap adjoining areas. **Staff:** The applicant's lessee operates a secure facility and will continue to have a vested interest in protecting their property. Security systems already in place provide partial coverage for neighbors as well.

Criteria #4, whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Applicant: This is just a rezoning and the roads have been established with self-contained water and sewer on the property. **Staff:** Staff feels the zoning regulations have been designed to facilitate the adequate provision of transportation, schools, parks, and other public requirements. Existing water and septic systems will remain adequate, roads are already established, and there is ample room for growth.

Criteria #5, whether the zoning regulations have been designed to provide adequate light and air.

Applicant: There is three phase power on one side of the property and another power line on the other side of the property that can be tapped. It will have no effect on air quality. **Staff:** This business is not a heavy polluter and has installed security lighting on their facility.

Criteria #6, whether the zoning regulation have been designed to address effects on motorized and non-motorized transportation systems.

Applicant: It is expected to have minimal traffic on already established and well maintained private roads. *Staff:* The applicant has road access through a private road to their east. This road is shared with other industrial businesses, and any impact to the transportation infrastructure would be negligible.

Criteria #7, whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.

Applicant: Surrounding area is Heavy Industrial and is compatible with our usage. *Staff:* This zone change application is in proximity of Great Falls and Malmstrom Air Force Base, but is adjacent to other Heavy Industrial uses. Staff feels they would remain in harmony with surrounding uses and planned future development.

Criteria #8, whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.

Applicant: The area is next to the new Business Park and developing into an Industrial area. *Staff:* Staff feels this zone change application is appropriate. This would not be considered "spot zoning" and is adjacent to Heavy Industrial uses and in the vicinity of planned developments, such as the Agritech Park to the east.

Staff: While staff feels this zone change application is appropriate, a re-zone of the property to Heavy Industrial may have the possibility of resulting in the creation of spot zone, which has been deemed to be illegal by the 1981 Montana Supreme Court Case, "Little vs. Board of County Commissioners". The case determined three factors must exist before a property can be considered an instance of unlawful spot zoning. These are:

- 1) The proposed use is significantly different from the prevailing use in the area;
- 2) The area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change;
- 3) The change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

When considering the "Little vs. Board of County Commissioners," the first factor to consider is if "the proposed use is significantly different from the prevailing use in the area". The proposed heavy industrial uses will not be significantly different from the prevailing use to the east. The light industrial zoned parcels to the south and west are also consistent with the proposed heavy industrial use, as is the railway to the north.

The acreage of the parcel petitioning for the rezone (13.25) is roughly in line with the adjacent parcels. The Heavy Industrial parcels in that area range in size from 92 acres to 1.37 acres. Since this will be an extension of an existing Heavy Industrial district into a Light Industrial district, staff does not believe the second factor will be met.

Finally, while the purpose of the rezone is to explicitly benefit one landowner, the change could open the door for additional parcels to the west to rezone from light to heavy industrial as well. Since the adjacent properties are some form of industrial or a dedicated railway, planning staff is comfortable that this is not a spot zone scenario.

Criteria #9, Whether the zoning regulations have been made with a view to conserving the value of buildings and land.

Applicant: All the buildings are purpose built and the area is designed and subdivided to provide a place for small businesses to grow and expand. **Staff:** This parcel is adjacent to a dedicated industrial subdivision, John Michael Acres. At one point this parcel was a part of that subdivision, however they revised their plat to lift an agricultural covenant.

Criteria #10, Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

Applicant: The property is zoned Light Industrial and we would like to be zoned Heavy Industrial to be more compatible with adjacent properties. **Staff:** This property is located in an industrial area in Cascade County and in the proximity of the City of Great Falls.

CONCLUSION

The Cascade County Zoning Regulations state a Heavy Industrial district is a zoning classification that allows all non-residential uses not otherwise prohibited by law. As accessory uses a single-family dwelling and agricultural uses of land are permitted. The zone change request is for a parcel bordering other industrial uses of land and industrial zoning, and staff finds the applicant's request to rezone to Heavy Industrial is consistent with the intend use, as well as the surrounding uses.

RECOMMENDATIONS

Two recommendations have been provided for your consideration:

Recommendation One:

"I move that the Planning Board recommendation to the County Commission, after consideration of the staff report, that the zone change request of John Paul to rezone parcel #2712775 located in Section 33, T. 21N., R. 4E., P.M.M., Cascade County, MT. from "I-1" Light Industrial to "I-2" Heavy Industrial, be **denied.**"

OR:

Recommendation Two:

"I move that the Planning Board recommendation to the County Commission, after consideration of the staff report, that the zone change request of John Paul to rezone parcel #2712775 located in Section 33, T. 21N., R. 4E., P.M.M., Cascade County, MT. from "I-1" Light Industrial to "I-2" Heavy Industrial, be approved."

Board Questions:

Richard Liebert asks so, the current tenant is who, Pre-Engineered Fire Systems? Do they have a lease?

Alex Dachs answers that's the impression that I'm of.

Richard Liebert asks is the applicant here to answer the question?

Alex Dachs replies I believe so.

John Paul answers yes, they do have a lease with us.

Richard Liebert asks for how long?

John Paul answers well it's a year to year lease however, I own that.

Richard Liebert says I was reading into the cascade county zoning regulations. Heavy Industrial could be anything saw mills, refineries, hazardous, offensive in nature, a salvage yard, I just want to bring that up. In the regulations also, section 7.4.2 I2 Heavy Industrial District: all I2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six feet in height shall surround the area outside the building being used for the enterprise. So, is that in conjunction with the shelter belt that the applicant indicated?

Alex Dachs answers I do not believe so.

Richard Liebert says cause the applicant in his letter, also stated that they would, a shelter belt incorporating the proper trees and bushes to promote healthy habit for the wildlife and game. Would that be included in the provision of the rezone?

Alex Dachs asks that they install?

Richard Liebert interrupts and says a shelter belt or something to meet that provision in the regulations.

Alex Dachs replies I think we would look at that when they come through with the zoning and we would issue that as part of the zoning requirements that they fulfill the landscaping.

Richard Liebert asks so is that contingent on a new structure up or other activity?

Alex Dachs answers correct.

Richard Liebert says okay Mr. Chairman back when we went through this back in April of 2015 was it I1 then or we did an AG exemption then right.

Alex Dachs replies I was not part of that process so I am not aware of that.

John Paul says it did have an AG exemption on it and we went through a subdivision process to build the current building.

Richard Liebert states at that time we made it I1.

John Paul says and that was my mistake. I didn't realize really the difference and the little bit it would have been different to go to I2. How this all started was one of the qualifications on a fire pump house that we did was it was built within an industrial area. Well they start searching around

and we were able to get around that by proving are facility was actually purpose built for production fire pump skids and fire pump houses. That was the first time we ever came across it. We didn't really see where we would need an I2 zoning but as we get into this sometimes H&H cranes are sitting out there waiting to load the pump houses on the truck for overnight or two days. That's against the zoning of I1 and were just really looking to cross the T's and dot the I's. At this point and time there is no interest in doing anything different with the property then what's going on now. Other then we are going to be drilling a well which was in our original subdivision for water and were sitting on 13 acres. Really anything hasn't changed were just looking to make sure that were compliant with all the zoning that we need.

Richard Liebert asks so if it were to go to I2 would there have to be a shelter belt or a berm required there? There's one building there now and I know the property and we went through this before.

Alex Dachs answers yeah, we would have to look at that at staff to see how staff would interpret that and we would see what we would require on that if it would be a berm or not. It's part of the industrial zoning.

Richard Liebert interrupts and says its other such improvements which could be a shelter belt so.

Alex Dachs says right.

Richard Liebert says as I interpret the applicant in his letter to the planning department indicated to meet certain goals like I said maintain, plant grass with nutritional value, shelter belt. I keyed on that words also in the applicant's response to the staff as you read. So apparently, we could have gone to I2 instead of I1 back then. Also, the applicant indicated that there be other additional activity there, industrial condos. There's 13 acres there. I imagine you would want to use the other acreage for other activities or enterprises.

John Paul well I am getting older and will retire sooner or later and it would be nice to have some residual income coming in. Basically, you said your familiar with the property, this kind of sits on a shelf and then it kind of drops down the hill overlooks the parks and what not and were not going to do anything over that flat area that goes around John Michaels where other Industrial development. We may, like I mentioned, put in another building that would allow 1200 – 4000 square feet of additional space for other small businesses to have a shop and office in that area but it's going to be maintained pretty much up on that flatter spot. The shelter belts and what not will be all along that top of the ridge and going down. You know as you're getting closer to the building you'll see more maintained manicured grass.

Richard Liebert states I looked at the properties to the east that's the I think the construction yard, when I looked at it from the northside from the park side it looks like there was a perimeter fence there but nothing like a 6-foot perimeter or anything to like shield. I don't know what the intent of what that was when that was zoned I2.

Elliott Merja says it doesn't have a privacy fence is what you're saying.

Richard Liebert answers right, it looks like a security fence and you can see equipment there but I don't know what that was ever zoned I2.

Elliott Merja says well this one would just have to meet those requirements as to whether it would have to have a fence that you can't see through or a privacy fence that's got to have just a security fence or whether a hedgerow is sufficient.

Richard Liebert says regulations say site obscuring fence, other such improvements, well my definition, shelter belt could be such improvement.

Elliott Merja asks any other questions?

Ken Thornton asks when this was set up I2 and I1 I'm sure this was what in the 70's. The overall zoning lines were drawn I think it was. Is there a reason why half of this is I1 and the other half is I2? I understand this map here the purple is all I1 and the black is I2?

Alex Dachs answers yeah, I'm not sure why there was that boundary put in there or why they had drawn that in between those parcels and not a different location.

Elliott Merja says it would seem to me that purple should be I2 as well.

Rob Skawinski says that's not his business that's his private shop.

Elliott Merja says so his business is on the other side.

Rob Skawinski says it's on the other side.

Alex Dachs says they may have looked at the existing uses when they did the overlying zoning at the time and they maybe those were just vacant parcels there was no underlying use versus there being a contract yard on there or something like that which would dictate a I2 zoning on that parcel.

Elliott Merja asks any other questions from staff?

Richard Liebert asks from what your, getting from the communication from the applicant, the applicant will install a shelter belt if there's additional activity there.

Alex Dachs answers we'll have to look at that as staff and determine if he's going to be required to or not.

Richard Liebert says that doesn't increase by confidence.

Alex Dachs says we also have landscaping requirements but if you're an industrial parcel next to an industrial parcel you don't need to meet those landscaping requirements. I'm not sure why that industrial berm was set in there that 6-foot sight obscuring-screen fence, but I'm not sure if we have been applying that to all current land applications that we've been receiving consistently. So, I'm not sure if it would be fair to make this gentleman comply with that.

Richard Liebert interrupts and says that's why I asked the question Mr. Chairman that we know our regulations so we have those provisions in there. As the applicant has indicated you know they want to be good neighbors and articulate a shelter belt and I hold that to be interesting.

Elliott Merja says how about we have the applicant come up to the podium and state your name and address so we can get that on the record and well ask just a couple more questions.

Public Comment Opened at 10:36 am

Applicant: John Paul resides at 2704 4th Ave N, Great Falls, MT.

Elliott Merja asks so if there is a need for this, because this goes through the zoning as to whether they need to have this fence or they have this hedgerow or this berm or whatever, right?

Alex Dachs replies right.

Elliott Merja says it's not in our department necessarily. It's in the zoning department.

Alex Dachs says it's in the zoning regulations.

Elliott Merja asks yeah so to make it comfortable if your required to do a fence or a hedge or something to make it a privacy area, are you willing to do that?

John Paul answers I have no problems with that. Were continuously planting trees out there. We do our best to water them. As we get our well in and sprinkler systems in were going to have better luck with the trees taking. Sometimes the wind out there and then the deer come along and rub their horns on the trees and breaks off the branches but, you know it's a continuous struggle. As far as a fence goes if you guys deem that's necessary, I don't have a problem with that. However, most of the fences are a chain link fence and to me it distracts from the property. Obviously if we get into

a security issue keeping people off the property or from harming themselves then were going to end up putting up a chain link fence.

Dexter Busby Do you plan on storing equipment other than mobile equipment outside like steel for example?

John Paul replies It is not our intent to do that however, sometimes the overflow as right now leads that sometimes there will be pipes stored out there however, if you store the pipe outside you must treat it to paint it so that's counterproductive. I would foresee that the situation we're in now is probably the messiest the yard will ever be. We're continuing to clean that up now. We just went through the build and we still need to get our well drilled.

Richard Liebert says Mr. Chairman I would agree with the applicant about the shelter belt. It would be more attractive than just another chain link security fence. If you look at the construction yard to the east there is no shelter belt. There is a security perimeter fence. They need that guard there with the heavy equipment in there. Your indicating your willing to have a shelter belt that will please the aesthetics of that area even though there is a train line there and everything else.

John Paul says we sit on that shelf and it's up there like a thumb. We also believe in how our property looks indicates how are product come out as far as craftsmanship.

Richard Liebert says and it's a good enterprise. I remember when this came in front of the board two years ago.

Elliott Merja asks any further questions for the applicant.

No further questions

Proponents: None

Opponents: None

John Taillie says he is neutral. Says he is the Regional Park Manager for Montana State Parks and while we do not oppose the rezoning of this parcel, we do want to express our concern regarding the view shed of the corridor. Giant Springs State Park is the most visited State Park in the state and one of the reason is the Rivers Edge Trail and Heritage Park that go just beneath the property. We just want to make sure that the applicant addresses those issues of aesthetics and isn't putting up 30-foot tall fences. I don't know if there's height requirements.

Elliott Merja says 150-feet.

John Taillie says 150-feet. We're hoping that doesn't happen. I'm not sure we can do anything about that if that's proposed. But it sounds like that's not in the plans so, we just want to make sure that they address the issues that they talked about here and continue to be a good neighbor Montana Fish & Game and insure the development doesn't infringe on the Rivers Edge Trail or Giant Springs State Park.

Public Comment Closed at 10:45 am

Board Discussion & Decision:

Dexter Busby motioned to approve.

Rob Skawinski seconded the motion.

Richard Liebert states I would move to conditionally approve this but I want to know that there will be a commitment to a shelter belt.

Elliott Merja says I believe that goes through the zoning board.

Richard Liebert interrupts and says and then it goes through the county commissioners in this room will there be provisions of a shelter belt. We're not just talking past it.

Rob Skawinski interrupts and says I don't think that we need to put provisions of a shelter belt on this individual. I don't believe Tamietti had a shelter belt so..

Richard Liebert says right I wouldn't disagree with that.

Rob Skawinski says how can you put those burdens on one landowner but those burdens not be shared by the adjacent landowners? That's not fair.

Richard Liebert agrees with that but says then when was that property zoned I2. When were they there before.

Elliott Merja says I still think that's something you must bring up with the zoning board because they are the ones who can put those stipulations on, were only an advisory board. We can mention it that we want them to look at it.

Richard Liebert says and that's got to go through the planning department right.

Elliott Merja says right.

Richard Liebert says and then it will go back to the commissioners to make the final decision. This is a matter of did the other ones do that or not. This is the most recent one.

Elliott Merja says I think all of those have changed dramatically since Tamietti. But it's noted.

All in Favor, Motion passes 5-1

Richard Liebert says I oppose it based on the discussion we have had.

B. Conservation Easement – Rumney Cattle Company, Inc.

Alex Dachs presented the staff report. Summation is as follows: The Cascade County Planning Board is in receipt of an application from Rumney Cattle Company, Inc to approve a Conservation Easement.

According to 76-6-206, MCA, "...all conservation easements shall be subject to review prior to recording by the appropriate local planning authority for the county within which the land lies. It shall be the responsibility of the entity acquiring the conservation easement to present the proposed conveyance of the conservation easement to the appropriate local planning authority. The local planning authority shall have 90 days from receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments have been received from the local planning authority or the local planning authority has indicated in writing it will have no comments or 90 days have elapsed, whichever occurs first."

The Montana Fish, Wildlife & Parks would like to place a conservation easement on behalf of the owners, Rumney Cattle Co., on 3,980 acres located off Birdtail Creek Road in Cascade County. The land owner voluntarily grants and conveys to the Department, and the Department accepts, a conservation easement in perpetuity, with warranties of title, consisting of the following rights and restrictions over and across the land described. The property is located directly South of Birdtail Creek Road, and North of Mission Road in Cascade County and is currently being used for farming and some grazing. The proposed easement will cover nine parcels in Cascade County, totaling 3,980 acres, owned by Rumney Cattle Co. The legal description of the property is Geocode: 2772-02-1-01-01, 2772-03-1-01-01, 2772-09-1-01-01, 2772-10-1-01-01, 2772-11-2-01-01, 2772-14-2-03-01, 2772-15-1-

01-01, 2887-34-4-03-01, 2887-35-3-03-01 and Parcel #: 4000000, 4001000, 4007300, 4008400, 4009500, 4012600, 4013600, 4700800, and 4701800. It is in Sections 02, 03, 09, 10, 11, 14, and 15, Township 18 North, Range 03 West, as well as sections 34 and 35, Township 19 North, Range 3 West, Cascade County, MT.

Existing Development:

- Agricultural Shed
- Standard Barn

Allowed future development and uses on Rumney Property:

- Livestock grazing
- Leasing the land for agricultural purposes
- Habitat restoration and enhancement
- Water resources and facilities excluding those that would create an adverse impact on the land and/or water
- Man-made structures for agricultural purposes
- Roads with prior approval from Montana Fish, Wildlife & Parks Department.
- Noncommercial recreational use
- Utilities with prior approval from Montana Fish, Wildlife & Parks Department.
- Renewable energy generation for use on the land, with prior approval from Montana Fish, Wildlife & Parks Department
- Agricultural chemicals for noxious weed control
- Public use as regulated by Montana Fish, Wildlife & Parks Department and the State of Montana
- Oil and Gas Exploration, Extraction, and Development requiring coordination with Montana Fish, Wildlife & Parks to make sure it maintains compliance with the conservation values
- The landowner may sell, grant, donate, bequeath or otherwise convey the Land in its entirety to another party along with the conservation easement
- Localized gravel extraction from an existing site

According to the Deed of Conservation Easement:

"The Protected Property includes significant open-space land as defined in the Montana Open Space Land and Voluntary Conservation Easement Act, Montana Code Annotated (MCA) Section 76-6-101, et seq.; and"

"Preservation of the Protected Property by this Easement will yield significant public benefits to the people of the State of Montana, Cascade County, and the United States by protecting, preserving, and providing the following significant resources, in perpetuity, in compliance with Section 170(h)(4)(A) of the Internal Revenue Code and Sections 76-6-101, et seq., MCA:"

"The people of the State of Montana recognize that certain native plant communities and important fish and wildlife habitat are worthy of perpetual conservation, and have authorized the Department (Department of Fish, Wildlife and Parks) to acquire perpetual conservation easements, as described in Sections 76-6-101 et seq., Montana Code Annotated ("MCA"), from willing landowners by voluntary,

cooperative means to conserve native plant communities, habitat and other natural resources of value."

"Retention of significant agricultural values and communities of native plants and wildlife habitat, natural and scenic open-space lands, and public recreational opportunities, all of which are collectively termed "Conservation Values" and are valuable to the people of Montana and worthy of perpetual conservation."

"The Conservation Values of the land can be protected in perpetuity by the Landowner and the Department through the grant of a conservation easement to the Department with the landowner retaining fee title to the land and overall management of the land..."

"...the Conservation Values of the land should be preserved and maintained by the continuation of land use patterns that do not significantly impair or interfere with the protection and preservation of these Conservation Values, in perpetuity. The land provides important opportunities for public recreational hunting, trapping, and wildlife watching."

"The Department recognizes that the land contains important wildlife habitat, including riparian areas, that is worthy of perpetual conservation and has contributed the funds necessary to acquire this Easement through its Habitat Montana Program and with deer and elk license auction dollars."

The proposed conservation easement will preserve ranch lands, and scenic open space. Staff will forward any comments that the Planning Board must the grantee (Montana Fish, Wildlife, & Parks). The proposal is in general compliance with Cascade County's Growth Policy in that it preserves agricultural lands and scenic open space.

Alex Dachs says this is the property that Birdtail Butte is currently located on. It is a pretty historical significant sight I would say for Cascade County. I think putting this conservation easement on there will allow others to enjoy that as well. There's currently BML land for hunting on the Rumney property as well so will help to keep those opportunities for hunting available. I do believe Fish Wildlife Parks is having a draft environmental assessment. It's going to be presented tonight out at Cascade Town Hall.

Elliott Merja says I know this land well and it would be good to have a conservation easement.

Rob Skawinski asks does the conservation easement open the door for block management hunting?

Elliott Merja replies he's been in block management hunting for years. But the conservation easement prevents it from having a bunch of houses on it. The agriculture that they do out there is all grazing on that area. His hope is to keep it so people don't just develop on it.

Dexter Busby asks does the easement change the tax value for Cascade County?

Alex Dachs says I'm not sure on that.

Elliott Merja says I think this just stays in agricultural and it can't get changed. I think that's what they said the last time.

Richard Liebert says I agree that it's good calf country and to keep it that way and I know those folks and being that's an easement does that transfer to another property owner in the future?

Elliott Merja replies this one said it did with perpetuity.

Richard Liebert says that would be the intent of the Rumney's that they sell portions of that it would still be under the easement.

Elliott Merja says and when we had a different one earlier we asked the question about how to get rid of a conservation easement and there's a process. A lengthy process.

Richard Liebert says so it's easier to get one.

Dexter Busby says the easement itself is easy to get. To get rid of it it's a challenge.

Board Questions: None

Public Comment Opened at 9:56 am

Robert Nicholson says he lives out there in the Cascade area. I know the area it's a nice area but I've never been in there hiking because I wasn't sure if we had to ask permission. There is some fascinating geology in that country where people would like to walk in and see it but I suppose you still should ask permission from the landowners.

Elliott Merja says my understanding is that the landowner retains ownership. It just prevents it from being developed. Knowing Bob well it's not hard to get permission from Bob to do that.

Richard Liebert says if he's paying the taxes.

Elliott Merja asks any other questions?

Richard Liebert motioned to move it forward.

Ken Thornton seconded the motion.

Richard Liebert asks where does it go next.

Alex Dachs states well just forward comments back to the department and say you guys didn't have any issues with it and say you guys were in support of it.

All in Favor, Motion passes 6-0

Elliott Merja asks if there is any more business?

Alex Dachs replies no well have another planning board meeting in February. That will be the 3rd Tuesday more than likely. We will contact you and see if your available for that before we schedule you for that.

Richard Liebert asks about the annual report.

C. Annual Report – Not brought to meeting delayed until next meeting.

Elliott Merja – Do we have an annual report to present here.

Alex Dachs – we did not bring those so I can send them out to you electronically or you can come by the office and pick them up. Basically, it's just what we have done this year as far as permits. How many special use permits we have seen, how many LC permits we've issued, and how many subdivisions we've gone through. The planning board was busy with subdivisions at the beginning of last year. I think we had about 5-6 of those that went through. That's about the only big changes on that.

Board Comments and Questions:

Richard Liebert asks if we are going to have the annual report next meeting.

Alex Dachs replies yeah, we'll have a brief presentation on it next meeting.

Richard Liebert says I think our bylaws require it.

Elliott Merja asks if we will send them out electronically.

Alex Dachs answers yes.

Richard Liebert asks are you going to post it on the website too?

Alex Dachs replies yes at some point that will probably be on there as well.

6. Old Business: None

7. Board Matters:

Richard Liebert says I was talking to Brian earlier. Before I get to that though, have we found a new planning director yet or is there still a vacancy out there?

Alex Dachs replies there is still a vacancy.

Richard Liebert asks so you're still searching? No takers? No applicants at all?

Alex Dachs replies I'm not sure if it's open still or not. I'm not sure of the status of that.

Richard Liebert says I think that should remain open Mr. Chairman. We need a Planning Director.

We have capable staff but I think it's good to have a Planning Director. Brian Clifton is the Public Works director there but I think it's good to have a Planning Director that oversee a lot of things and we've been getting along without it but I think it's still good to have one. I was talking to Brian earlier about posting our board packets and staff packets on the website. I think that would help the public and ourselves and staff to get those posted so, it's out there for the public so the public has complete transparencies and to conspiracy theories and things happen last year about certain zoning things. I think that's good for transparency. I see our attorney is, here right?

Fernando Terrones says yes

Richard Liebert says and Brian was indicating that we could do that. The city planning department does it and I think those are the things we can do in the near term working with IT but I think it would help the public at large, increase public trust, people don't have to guess, and it would save work if someone wants a packet. I don't know if it requires a board action or just a discussion with the staff to get it done.

Alex Dachs says so were currently in the process of doing that. IT does not maintain that for the planning office.

Richard Liebert says Brian and I talked about it before the meeting.

Alex Dachs says that's staff that must maintain that.

Richard Liebert says department food fight or not and IT and what planning does and so forth. But, I think it's better for the public trust, public transparency, and I know we have our RFP's that go on the county website. Why can't we put public notices on there because how many people read the Tribune anymore. How many people read the classifieds? Eventually, I think we should have live streaming of all our meetings, county commission, and ourselves, just like the city does it. I just think it builds public trust and it doesn't lead to any speculation or innuendos of our activities, it's all about board.

Elliott Merja says good comments. So, as far as board minutes and such, do they ever get posted on the website? If so, they must be approved before they go on correct?

Alex Dachs right they must be approved and then filed at the clerk and recorder.

Elliott Merja says but some of this, like the rezoning, could be put on there. Prior to us seeing it?

Alex Dachs says like the minutes from today's meeting could go on there. But they would be in the draft form.

Richard Liebert says that's what the city does but it says draft.

Elliott Merja says we should utilize some of the different media.

Richard Liebert says it might save Tammy some work to cause if the public calls and says they want it they must send it.

Dexter Busby says it should be available to the public.

Richard Liebert says because you know how the city operates. Everything is on there. Maybe were not on that level or that sophisticated but I think it just helps everybody. That way people are not speculating. Like last year with everything that happened with the Madison Park. And we have all that stuff posted on the website which is great. People can see the stuff. I think that's good for all of us.

Elliott Merja asks any other comments from the board?

Dexter Busby says he tends to agree that the more open it is, less confusion there is and less speculation there is. However, there is still going to be people that don't believe what's put out there.

Elliott Merja says transparency is an interesting concept. We did some things at a church once with getting a new pastor and everybody wanted it to be transparent. You put it in the bulletin, you announced it, and you put mailings out and people still didn't know.

Rob Skawinski says people tend to not want to be involved until after the fact when they realize the effect on them.

Elliott Merja says it's way easier to do that you know hindsight.

Richard Liebert says more people probably visit our website then read the Tribune. If we could put RFP's out, and sell old equipment out of the county, just a simple thing. Public hearing XYZ such and such date. People say I don't get the Tribune but that's a matter of state law because state law says it must go into the paper. That will save phone calls to their office.

Elliott Merja says really, it's already been posted and can be scanned.

Alex Dachs says it's just the staff's time to do it and maintain the website.

8. Adjournment:

Elliott Merja motioned to adjourn.

Dexter Busby seconded motion

All in Favor, Motion passes 6-0.

Meeting adjourned at 10:08 am


Elliott Merja or Mark Carlson

3/20/18
Date


Brian K. Clifton

4/18/18
Date